

# Notice of Allowability

Application No.

09/759,105

Examiner

Rob Rhode

Applicant(s)

DORR, ROBERT C.

Art Unit

3625

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/2/2004.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ The drawings filed on 27 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Response that was received on 12-02-04 is acknowledges and entered.

Currently, claims 1 – 9 have been examined and are allowed.

### ***In the claims***

Claim 1 (currently amended): A method for displaying time left for an on-line auction of an item conducted by an on-line auction service in a computer of a bidder, said method comprising the steps of:

obtaining the processor time in the computer of the bidder,

obtaining the official auction time for said on-line auction in the computer of the bidder from said on-line auction service,

obtaining the auction time left for said item in the computer of the bidder from said on-line auction service,

comparing in the computer of the bidder the obtained processor time to the obtained official auction time,

displaying in the computer of the bidder a time left in processor time for said item in response to the comparing step and said obtained auction time left.

Claim 2 (currently amended): The method of claim 1 wherein the step of displaying includes the step of visually counting down the time left in processor time in at least one graphical icon.

Claim 3 (original): The method of claim 2 wherein the graphical icon is a clock face having an indicator moving in a direction towards zero wherein zero corresponds to the end of said on-line auction.

Claim 4 (original): The method of claim 2 wherein the step of displaying includes providing a plurality of graphical icons, each of said plurality of graphical icon corresponding to a predetermined time period.

Claim 5 (original): The method of claim 4 wherein said plurality of graphical icon includes a first graphical icon corresponding to a predetermined time period of 60 minutes.

Claim 6 (original): The method of claim 4 wherein said plurality of graphical icon includes a first graphical icon corresponding to a predetermined time period of 30 minutes.

Claim 7 (original): The method of claim 4 wherein said plurality of graphical icon includes a first graphical icon corresponding to a predetermined time period of 10 minutes.

Claim 8 (original): The method of claim 4 wherein said plurality of graphical icon includes a first graphical icon corresponding to a predetermined time period of 60 seconds.

Claim 9 (original): The method of claim 1 further including the steps of:  
providing an icon during said on-line auction, clicking on the icon to activate the displaying of the time left.

### **Reasons for Allowance**

The invention claimed in the independent claim is distinguished from prior art of record, which contains no teachings or suggestions that would have motivated one of ordinary skill in the art to modify the method and system disclosed by Hess with the method and system of Schreurs to have enabled a method and system for the subject matter recited in independent claim 1. To begin with, Hess discloses a method for an online auction with the time remaining in the auction displayed but does not disclose or teach anything with regard to obtaining the processor time of the bidder or hint at a comparing step. Thereby, Hess does not disclose or would have suggested to one of ordinary skill a method comprising the steps of: obtaining the processor time in the computer of the bidder, obtaining the official auction time for said on-line auction in the computer of the bidder from said on-line auction service, obtaining the auction time left for said item in the computer of the bidder from said on-line auction service, comparing in the computer of the bidder the obtained processor time to the obtained official auction time, displaying in the computer of the bidder a time left in processor time for said item in response to the comparing step and said obtained auction time left. Schreurs, on the other hand does disclose a method for synchronizing of a local clock with a second clock frequency. While the synchronization of the frequencies is necessary in a number of applications, the reference does not suggest or disclose an online bidding session nor a comparing step in the computer of a bidder the time left of the online bid to the processor time of an individual bidder. Moreover, the synchronization as taught by Schreurs is different from the comparing as recited and claimed and thereby teaches

away from comparing the two frequencies and then displaying in response to the comparing step and obtained auction time left, the remaining auction time left in the bidders processor time display. Therefore, Schreurs does not teach or would have suggested to one of ordinary skill in combination with Hess an online auction method comprising the steps of: obtaining the processor time in the computer of the bidder, obtaining the official auction time for said on-line auction in the computer of the bidder from said on-line auction service, obtaining the auction time left for said item in the computer of the bidder from said on-line auction service, comparing in the computer of the bidder the obtained processor time to the obtained official auction time, displaying in the computer of the bidder a time left in processor time for said item in response to the comparing step and said obtained auction time left. In this regard, the invention claimed in independent claim 1 is distinguished from prior art of record by the fact that a method for displaying time left for an online auction of an item conducted by an on-line auction service in a computer of a bidder, said method steps comprising the steps of: obtaining the processor time in the computer of the bidder, obtaining the official auction time for said on-line auction in the computer of the bidder from said on-line auction service, obtaining the auction time left for said item in the computer of the bidder from said on-line auction service, **comparing in the computer of the bidder the obtained processor time to the obtained official auction time, displaying in the computer of the bidder a time left in processor time for said item in response to the comparing step and said obtained auction time left.**

Discussion of the most relevant prior art, which does not fully disclose nor render obvious the invention as stated in claim 1:

**A. US Patents and PG-Pubs.**

(i) US 6,058,417 to Hess discloses an online auction method, which displays the ending time of the auction as well as displaying the items for sale. Moreover, Hess discloses the process with adding new items as well ending time for the action(s). However, Hess does not disclose or teach a method of comparing in the computer of the bidder the obtained processor time to the obtained official auction time, displaying in the computer of the bidder a time left in processor time for said item in response to the comparing step and said obtained auction time left. Thereby, this online method disclosed by Hess fails to anticipate the above bolded unique limitations or render them obvious.

(ii) US 5,465,277 to Schreurs discloses a method for synchronizing of a local clock with a second clock frequency and thereby provides phase locking once the synchronization has locked to the correct frequency. As a result, the synchronization of Schreurs teaches away from a method for comparing in the computer of the bidder the obtained processor time to the obtained official auction time, displaying in the computer of the bidder a time left in processor time for said item in response to the comparing step and said obtained auction time left. Thereby, Schreurs does not teach or would have suggested to one of ordinary skill a method of comparing in the computer of the

bidder the obtained processor time to the obtained official auction time, displaying in the computer of the bidder a time left in processor time for said item in response to the comparing step and said obtained auction time left. Therefore, the method disclosed by Schreurs fails to anticipate the above bolded unique limitations or render them obvious.

(iii) US 5,995,951 to Ferguson discloses a method to allow a plurality of users to collaborate online, which includes a clock displayed for the time remaining in the collaboration session. For example, the decision maker specifies the time remaining for each participant in the session to complete their assignment and this time remaining is displayed as an analog clock, which counts down. However, Ferguson does not disclose a method for an online auction displaying time left and comprising the steps of comparing in the computer of the bidder the obtained processor time to the obtained official auction time, displaying in the computer of the bidder a time left in processor time for said item in response to the comparing step and said obtained auction time left. Thereby, this online method, medium and system disclosed by Ferguson fails to anticipate the above bolded unique limitations or render them obvious.

## **B. Non Patent Literature**

(iv) envsoftware.com web site captured via the WayBackMachine and dated Nov 27, 1999 (hereafter referred to as "Auction Tamer"). Auction Tamer discloses a method that allows searching of multiple online auctions for a specific item and also which

synchronizes with eBay clock. However, the reference teaches that method does not adjust bidders system clock. In that regard, Auction Tamer teaches away from a method for comparing in the computer of the bidder the obtained processor time to the obtained official auction time, displaying in the computer of the bidder a time left in processor time for said item in response to the comparing step and said obtained auction time left. Thereby, this online method disclosed by Auction Tamer fails to anticipate the above bolded unique limitations or render them obvious.

### **C. Foreign Patent Literature**

(vi) NL 9201152 A to Smeets discloses a method for an online Dutch Auction, which uses a price "clock" that moves downwards in price until a single bid stops the clock and the sale is made. Smeets does not teach a method for displaying a time left in auction and comprising the steps of comparing in the computer of the bidder the obtained processor time to the obtained official auction time, displaying in the computer of the bidder a time left in processor time for said item in response to the comparing step and said obtained auction time left. Thereby, this online method disclosed by Smeets fails to anticipate the above bolded unique limitations or render them obvious.

### **Conclusion**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably



accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is (703) 305-8230. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308 – 1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including  
After Final communications labeled  
"Box AF"]

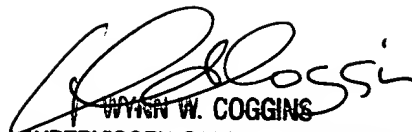
(703) 746-7418 [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

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